

added by way of amendment. Reexamination and reconsideration of the claims are requested.

#### Rejections Under 35 USC 112

Claims 4, 6 and 10 are rejected under 35 USC 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter Applicants regard as their invention. In the action it is stated that it is not clear whether the polar solvent is a combination or a solvent selected from the group listed. The examiner suggests using a traditional Markush construction. Applicants respectfully traverse. Claims 4 and 7 specifically state the polar solvent or corrosion inhibitor respectively allow for a mixture. Claim 10 does not preclude a mixture of compounds that provide a source for fluoride. Applicants submit that both constructions are recognized and acceptable. The examiner's attention is drawn to MPEP 2173.04(h)a. When materials cited in a claim are so related as to constitute a proper Markush group, the group may be recited in a conventional manner, or alternatively. See page 2100-168 bottom of column 1. The MPEP goes on to state in 2173.0-5(h)b that ""Alternative expressions using "or" are acceptable, ...."" Examples include "iron, steel or any other magnetic material." In view of the above, withdrawal of the rejection of claims 4, 7 and 10 is requested.

Claim 14 is rejected under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Specifically, it is not clear what "coating" is referring to and it is not clear how long such a process would take.

Applicants have amended claim 14 by deleting "coating" and inserting in lieu thereof "photoresist or residue." The language used in the claims is now consistent. With regard to the length of time, it would be clear to one skilled in the art for whom the application is written that because of variables such as the type of

photoresist or residue, fabrication conditions, thickness of resist or residue, etc., an exact time cannot be given. The application states that this is the case on page 6. The length of time is not critical to the invention. Applicants submit that claim 14 clearly sets forth the elements of what Applicants consider to be their invention.

#### Rejection Under 35 USC 102

Claims 1, 3, 5, 8, 10-12 and 14-16 are rejected under 35 USC 102(b) as anticipated by Torii et al. (US 5,972,862). It is stated that the composition of the presently claimed invention is taught in the Torii reference. Specifically, no glycols are present, the claimed pH would be inherent, viscosity limitations would be inherent, and the presence of a buffer would be inherent because of dissociation in solution of the ammonium fluoride and the acetic acid. Applicants respectfully traverse.

Anticipation requires either a direct correspondence of elements or inherency. The presence of an ammonium salt of HF and acetic acid does not constitute a buffered solution. Webster's definition of a buffer is "...a substance capable in solution of neutralizing both acids and bases and thereby maintaining the original acidity or basicity of the solution. A buffer is prepared from a weak acid or a weak base and a salt of the weak acid. Torii never mentions a buffered composition nor a composition pH of from about 3 to about 6. As for inherency, it may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. In re Olreich and Divigard, 666 F.2d 578 (C.C.P.A. 1981).

While it is true that some ammonium acetate will form with the presence of ammonium fluoride and acetic acid, it is not true that the pH of the solution will be stable to the addition of acid or base and thus constitute an effectively buffered system. Applicants submit that because of the lack of correspondence of elements and no clear showing to support anticipation under the doctrine of

inherency there can be no anticipation. Withdrawal of the rejection of claims 1, 3, 5, 8, 10-12 and 14-16 under 35 USC 102(h) is requested.

#### Rejection Under 35 USC 103

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over Torii (US 5,972,862) in view of Ward et al. (US 5,571,447). Applicants respectfully traverse the rejection.

All subject matter claimed in the present application for patent was assigned or subject to assignment under terms of Ashland's standard employee agreement at the time of the invention.

Torii discloses a composition containing ammonium fluoride, a carboxylic acid and an organic solvent. No mention is made of a buffered solution having a pH of from about 3 to 6. As discussed supra, example 4 of Torii does not disclose a buffered solution that would be stable to the addition of acid or base. Ward does not remedy this shortcoming. The Ward reference claims and discloses a composition containing a glycol, dimethyl sulfoxide, fluoroboric acid, a corrosion inhibitor and a fluoride source in addition to the fluoroboric acid.

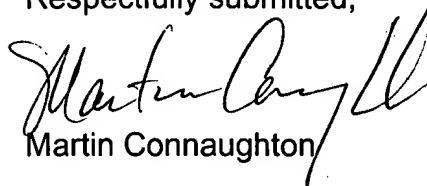
It is well established that when using references in combination one may not pick and choose among elements to finally arrive at the object of the claimed invention. The examiner cannot simply pick individual components out of the Ward reference and import them into Torii. Ward is explicit in that it requires 5 components. Unlike the present invention there is no mention of a buffering solution. At best one skilled in the art might add the fluoroboric acid and the propylene glycol to Torii's example 4 but there is no motivation what-so-ever to add just one element or the other. An example on how simple mixing and matching of components does not lead to the results of the present invention is illustrated in example 2 on pages 7 and 8 of the present application. Here a

buffered solution using the preferred organic solvent from Ward and a glycol are prepared. The composition does not remove resist at 20°C and 40°C. Applicants submit that the combination described in this office action represents at best an obvious to try scenario and obvious to try is not a standard that will support unpatentability under 35 USC 103(a). Withdrawal of the rejection of claims 1-17 under 35 USC 103(a) is requested.

Conclusion

Claim 14 has been amended. It is believed that claims 1-17 are in condition for allowance. Withdrawal of all rejections is requested. Allowance at an early date is solicited.

Respectfully submitted,

  
Martin Connaughton

Ashland Inc.  
P. O. Box 2219  
Columbus, Ohio 43216  
Telephone: 614-790-4684  
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